

## CHAPTER 1

# GENERAL ADMINISTRATION AND SECURITY

If you are new to the Legalman (LN) rating, you will soon learn that the scope of the rating is as broad as the Navy's legal system. In addition to clerical duties, you will be required to perform many different and important duties under the guidance of a Navy lawyer or senior LN. These duties include matters pertaining to military justice, claims, investigations, administrative discharges, and legal assistance. As you advance in the rating, you will find that your duties and responsibilities will be expanded to include performing legal research, preparing and administering office and claims budgets, interviewing of witnesses and clients, and preparing to become an office manager.

In studying the material contained in this training manual, you will encounter several terms that are used when working with law and other related legal matters. You will run across these terms throughout this manual and in your daily duties as an LN. To help you become more familiar with these terms, a glossary is attached as appendix I to this manual.

When you begin work in a new billet, whether it be in a naval legal service office (NLSO) or in a small staff judge advocate (SJA) office, one of your first jobs is to learn as much as possible about the organization in which you work. You should learn the primary responsibilities of your office and those related functions it performs. You also need to learn your office's relationship to the overall command organization. You must be able to understand the organization of your office and learn what the chain of command is for your organization.

After you understand the functions of your office; for example, claims, military justice, or legal assistance, you will see how your own duties fit into these functions. This knowledge will make your various jobs and responsibilities more interesting to you.

You should know the name and the rank or rate of every person in your office and the manner in which signing officials sign their names. You also should learn what part of the office operations each person performs and how this work contributes to the overall office functions.

Thinking of your office in relation to your ship or station, you should study the ship or station

organization and the name, title, and rank of those above your office in the chain of command. You should know which other offices are closely related to yours in their duties. To understand the Navywide program that you are a part of, you need to study the publications related to your work. Learn which reports are due and the appropriate submission format.

In this chapter we discuss matters relating to correspondence, publications and directives, files, reports control system, records disposal, logs, the Judge Advocate General Management Information System (JAG-MIS), security, and the release of government information.

## CORRESPONDENCE

One of your most important tasks is the preparation of correspondence. You will be expected to produce properly formatted official correspondence with no uncorrected errors. Correspondence does not just include basic letters. The term *official correspondence* includes all written materials—standard, business, joint, and multiple-address letters; endorsements; memorandums; messages—that are sent to or from the command.

You should familiarize yourself with the information provided in the *Department of the Navy Correspondence Manual*, SECNAVINST 5216.5C, and the *Department of the Navy Directives Issuance System*, SECNAVINST 5215.1C. These two directives are the primary sources of information used throughout the Navy for the proper preparation of correspondence.

To handle naval correspondence properly there are four major areas that you should become familiar with. These areas are preparation, routing, filing, and subject classification.

## PREPARATION

As a Legalman 3 (LN3) or Legalman 2 (LN2), you must make sure any correspondence you are assigned to type is placed in the proper format and basic correspondence procedures are followed. In addition to following the procedures outlined in the *Correspondence Manual* and the *Directives Issuance System*, it is

very important that you remember to take care in the actual typing of correspondence. The quality of the correspondence sent out by your office not only reflects upon you as the typist, but also affects the impression others have of your office and command.

We will now look at the requirements for the preparation of the different types of official correspondence mentioned previously.

### **Standard Letter**

Use the standard letter to correspond officially with activities in the Department of Defense (DOD). You can also use the standard letter when corresponding with organizations outside the DOD if they have adopted the format. Outside users include the Coast Guard and some contractors who deal extensively with the Navy and Marine Corps. For instructions on how to prepare and examples of properly prepared standard letters, refer to the *Correspondence Manual*, chapter 2.

### **Multiple-Address Letter**

Use the multiple-address letter when you have more than one action addressee. Except for its handling of addressees, the multiple-address letter is the same as the standard letter. For instructions on the preparation of and samples of properly prepared multiple-address letters, refer to the *Correspondence Manual*, chapter 3.

### **Endorsement**

When a letter comes to your activity because you are a via addressee, prepare an endorsement rather than another letter. You can use either a same-page endorsement or a new-page endorsement as shown in the *Correspondence Manual*, chapter 4. Many endorsements simply forward letters without substantive comment to the next via addressee, if any, or to the action addressee; however, other possibilities exist. An endorsement may either comment on the basic letter or any earlier endorsement. An endorsement may alter the order of any remaining via addressees or add others. An endorsement may return the basic letter with a final reply or a request for more information.

### **Memorandum**

A memorandum provides an informal way to correspond within an activity or between several activities. Subordinates may use a memorandum to correspond directly with each other on routine business. You may not use a memorandum to issue directives. Examples of

memorandums are shown in the *Correspondence Manual*, chapter 6.

### **Business Letter**

Use the business letter to correspond with agencies or individuals outside the Department of the Navy (DON) who are unfamiliar with the standard letter. You may also use the business letter for official correspondence between individuals within the DON when the occasion calls for a personal approach. Instructions for the proper preparation and samples of business letters are shown in the *Correspondence Manual*, chapter 7.

### **Message**

Messages are the quickest form of written communication in the Navy. Our telecommunications system is designed to get time-sensitive or critical information to addressees rapidly for effective use of information.

There are four types of classified and unclassified narrative messages: single-address, multiple-address, book, and general messages.

A message that has only one addressee, either action (TO) or information (INFO), is a single-address message.

A message that has two or more addressees, whether action or information, and is of such a nature the drafter considers that each addressee should know the other recipients is a multiple-address message.

A message that is destined for two or more addressees, but is of such a nature the drafter considers that no addressee need or should be informed of the other addressee(s), is a book message.

General messages are designed to meet recurring requirements for the issuing of information to a wide, predetermined standard distribution. General messages are titled; for example, ALCOM, ALMILACT, or NAVOP. Because the title indicates the distribution, it serves as the address designator in the address line of the message heading.

General administrative (GENADMIN) is the format used for most narrative messages, with the only exception being those narrative messages that a publication, instruction, or directive requires a different format. Refer to the *Telecommunications Users Manual*, NTP 3(I), Annex C, regarding the rules and general regulations for the preparation of the GENADMIN message format.

You may not use a DD Form 173 for submission of messages anymore. Instead, you must use the message text format (MTF) program. This program allows for floppy diskette transmission and up to 50 messages may be included on one diskette.

## **ROUTING**

Knowing what to do with incoming correspondence is important to the efficient operation of your office and command. You must take care in the initial sorting and routing of incoming correspondence. You must make sure the proper individual receives the correspondence so he or she may take any action that is required with a particular piece of correspondence.

## **FILING**

Constant changes in naval office personnel due to transfers, leave, and discharges create a need for a single subject classification system. The present standard Navywide system fulfills that need because it makes sure any person who knows the subject filing system of one ship or station can operate that of another with little decrease in efficiency. This does not mean that each office has the same number or type of files. Instead, it signifies that a standard system is used to (1) assign subject codes (numbers), (2) guarantee that general files have the same basic arrangement, and (3) make sure certain sets of files are kept by all activities.

Details of file arrangement within any particular naval office depend upon the mission or function of the office and the volume of its official correspondence.

You will find that the general files in your office are similar to those found in any other office in the Navy. These general files contain such items as incoming letters, copies of outgoing letters, and memorandums that normally form the bulk of your office files. In addition to the general files, you may decide to set up separate files for such items as claims, court-martial records, investigations, and nonjudicial punishments.

In a small SJA office where the volume of claims business is not so heavy, you could probably file all your claims correspondence in the general file (5890). However, if your office processes many claims, you should file only general correspondence in the general files and set up a special file in alphabetical order (by last name of claimant) for claims processed.

In a decentralized filing system, files are normally kept by the section responsible for the function being performed; that is, the claims section would keep claims

files, the review section would keep review files, and the legal assistance section would keep legal assistance files. You may encounter the decentralized filing system in NLSOs where the volume of files warrants such a system. However, in a small SJA office where the volume of business (and hence, the volume of files) is not so heavy, such a system probably should not be instituted.

Court-martial records, while a part of your general files, are normally kept in a separate drawer of the filing cabinet. You should file summary court-martial (SCM), special court-martial (SPCM), and general court-martial (GCM) records separately. They may, of course, be filed in the same drawer of the filing cabinet, if necessary, but group them together by the type of court involved and file alphabetically according to the last name of the accused.

Whether your office uses a centralized or decentralized filing system is usually determined by the size of your organization and the volume of business handled. Whichever system you use, it is important that you thoroughly understand the system in use.

## **SUBJECT CLASSIFICATION**

Having the proper subject classification on a naval letter or a directive will help you and the individual that the correspondence is being sent to in filing and in proper identification of the subject material. To make sure a piece of correspondence has the proper subject identification code, you should refer to the *Department of the Navy Standard Subject Identification Codes*, SECAVINST 5210.11.

## **DRAFTING CORRESPONDENCE**

As a senior LN, you will compose letters from brief notes or even from oral instructions. In preparing long letters, you should be able to prepare a first draft that will need only minor changes before the draft is ready for smooth typing. You should master the preparation of short, routine letters to the point where they rarely need any change before signature. Refer to the *Correspondence Manual* for instructions regarding naval writing standards and sample letters.

## **PUBLICATIONS AND DIRECTIVES**

Handling, correcting, and using publications and directives are a big part of the daily routine of any Navy office. The efficiency of the office depends on how well this is done. This makes it important for you to

recognize various publications, to understand their contents, and to know how to store and retrieve them as they are needed. You cannot remember everything; however, the trick is to know where to find information.

## USING PUBLICATIONS

In any office you maybe assigned to work, you will be required to use Navy publications effectively. Each publication is unique and requirements for its use are as individual as the publication itself. You will have the need to be familiar with certain publications that you will find to be indispensable in your area of work. Some of the most common publications you will find in an office that is involved in legal matters include the following:

- *United States Navy Regulations, 1990*—This publication outlines the organizational structure of the DON and issues the principles and policies by which the Navy is governed. It is published in loose-leaf form and kept in an adjustable binder so changes may be inserted as necessary. The Chief of Naval Operations (CNO) is responsible for making changes as approved by the Secretary of the Navy (SECNAV) to *Navy Regulations*.

- *Manual for Courts-Martial, United States, 1984* (MCM)—This publication is considered the LN's bible. No law office should be without one. By enacting the *Uniform Code of Military Justice* (UCMJ), Congress established a single set of laws for administering justice to all the armed forces. The MCM consists of five parts that include Part I—the Preamble; Part II—the Rules for Courts-Martial (R.C.M.); Part III—the Military Rules of Evidence (Mil.R.Evid or M.R.E. ); Part IV—the punitive Articles; and Part V—Nonjudicial Punishment Procedures.

Part II, the R.C.M.S govern the procedures and punishments in all courts-martial and, whenever expressly provided, preliminary, supplementary, and appellate procedures and activities. Part III, the M.R.E.s, is construed to ( 1 ) secure fairness in administration, (2) eliminate unjustifiable expense and delay in court-martial proceedings, and (3) promote growth and development of the law of evidence to the end that the truth may be learned and proceedings justly determined. Part IV, the Punitive Articles, addresses all the punitive articles of the UCMJ. Each article includes the text of that particular article, an explanation of the article, the elements of the offense, any lesser included offenses,

the maximum punishment for the offense, and a sample specification for the article.

- *Manual of the Judge Advocate General* (JAGMAN), JAGINST 5800.7C—The JAGMAN contains regulations for the DON. It is prepared by the Judge Advocate General of the Navy and covers issues such as administrative investigations; Article 138 complaints; Article 139 investigations; release of government information; delivery of service members; service of process and subpoenas; authority of armed forces personnel to perform notarial acts; legal assistance; claims regulations; international law; customs requirements; admiralty claims; environmental protection; and payments due mentally incompetent members, physical examinations of such members, and trustee designations.

- *Naval Military Personnel Manual* (MILPERSMAN), NAVPERS 15560C—The MILPERSMAN is issued under *Navy Regulations, 1990*, Article 0105, for direction and guidance, and contains policy, rules, and practices for administration of military personnel within the Navy. Each article is identified by a seven-digit number. The first two digits identify the chapter; the second two identify a section within the chapter; and the last three identify an article within a section. Changes are made quarterly by the Deputy Chief of Naval Personnel with approval of the Chief of Naval Personnel.

- *The United States Navy Uniform Regulations*—This publication is prepared and distributed by the Chief of Naval Personnel. It describes and lists the various uniforms for personnel in all categories, lists the uniforms required, and contains lists of articles worn or used together. It also describes occasions when the various uniforms should be worn; methods of wearing medals, decorations, ribbons, rating badges, and special markings; and gives notes on the care of the uniform. Changes are issued by the Chief of Naval Personnel as changes in uniforms occur.

- *The Department of the Navy Correspondence Manual*, SECNAVINST 5216.5C—This manual is prepared and approved in the Office of the Secretary of the Navy. It contains instructions for preparing letters, endorsements, memorandums, and messages. Instructions cover all parts of correspondence such as address, subject, references, paragraphing, and signature together with directions for assembling correspondence for signature and mailing.

- *Department of the Navy Standard Subject Identification Codes (SSIC)*, SECNAVINST 5210.11D—The

Naval Data Automation Command maintains the system and provides for changes and presents them to SECNAV for issuance. The SSIC outlines the process for segregating and filing Navy and Marine Corps records and the single standard system of numbers and/or letter symbols used throughout the DON for categorizing and subject classifying information. SSICs are required on all Navy letters, messages, directives, forms, and reports.

- *Standard Organization and Regulations of the U.S. Navy* (SORM), OPNAVINST 3120.32B—This publication is issued by CNO. It issues regulations and guidance governing the conduct of all members of the U.S. Navy. These regulations use two types of print—the material printed in uppercase is regulatory, and the material printed in plain type is for the guidance of commanders, commanding officers (COs), and officers in charge (OICs). These regulations apply to each member of the Navy individually. Violation of any provision of these regulations is punishable under the UCMJ.

- *Department of the Navy Information Security Program Regulations*, OPNAVINST 5510.1H—This publication is issued by CNO and is commonly referred to as the *Security Manual*. Its provisions apply to DON military and civilian personnel and activities. The *Security Manual* provides personnel with regulations and guidance for classifying and safeguarding classified information and for personnel security.

- *Standard Navy Distribution List* (SNDL)—The SNDL is published by the CNO and provides for the proper addressing and distribution of mail to all activities of the DON and provides a central distribution system for directives and correspondence. The SNDL is published in two parts and each part is issued separately. Part 1 is often referred to as the yellow pages and is entitled *Standard Navy Distribution List, Operating Forces of the Navy, Unified and Specified Commands, U.S. Elements of International Command*, OPNAVINST P09B2-107. The SNDL listings are identified by a two-digit number for each major group followed by one or more letters for each subgroup. Part 2 of the SNDL, contained in the publication *Catalog of Naval Shore Activities*, OPNAVINST P09B2-105, provides distribution lists for the Navy Department and all shore activities of the Naval Establishment. Each symbol represents a type of naval activity.

Revisions and changes to the SNDL are issued periodically, normally on a quarterly basis, by CNO. When issued, changes are of two types—page changes in the form of a supplement and serial changes. The

supplements are sent to all commands, but serial changes are provided only to commands handling large volumes of mail that require up-to-date information.

- *Joint Federal Travel Regulations* (JFTR)—The JFTR is issued in three volumes, over the signatures of the Secretaries of the Army, Navy, Air Force, Transportation, Commerce, and Health and Human Services through the Per Diem, Travel, and Transportation Allowance Committee that operates under the cognizance of the DOD. Volume 1 deals with travel of members of the uniformed services; volume 2 deals with travel of DOD civilian personnel; and volume 3 deals with personnel in the foreign service. The JFTR interprets the laws and regulations concerning travel, the manner in which transportation is furnished to personnel, provisions for travel of dependents, transportation of household goods, reimbursements for travel expenses, and similar information.

- *Disbursing, Administrative and Personnel Manual* (DAPMAN)—Formerly the *Navy Pay and Personnel Procedures Manual* (PAYPERSMAN) this manual is issued jointly by the Office of the Comptroller of the Navy and the Chief of Naval Personnel. The DAPMAN contains detailed pay and personnel procedures for maintaining the Joint Uniform Military Pay System (JUMPS) for members of the Navy. You will use this manual to assist in the preparation of page 6s and 7s.

- Other manuals—Certain commands have manuals dealing with technical subjects involved in their respective functions. If you are assigned to a department where one of these manuals is used, you should become acquainted with the format and general content.

## MAINTENANCE REQUIREMENTS AND UPDATING PROCEDURES

No publication or directive can stay on the shelf for a long time without needing to be changed. Changes will come from the originator as reprinted pages that need to be inserted in place of the outdated pages or as pen-and-ink changes that require you to enter or delete information by hand. Most publications contain a list of effective pages. Part of your job is to make sure publications are complete by checking each page number against the list. When you receive new pages as part of a change, a new list of effective pages is included and must be verified after you enter the change(s).

Proper notations, such as CH-1, are entered in the upper right margin of the first page of each directive changed, or on the record-of-changes sheet for

publication-type instructions, to indicate changes received and incorporated.

## **ORDERING FORMS AND PUBLICATIONS**

To order new forms or publications (with the exception of those issued through the Directives Issuance System), or to replace those that have become damaged or mutilated, all you need do is notify your supply officer. The method of letting the supply officer know what you need varies with the activity or size of your ship. The supply officer will let you know how the information is to be given. The supply department prepares a DOD Single Line Item Requisition System Document, DD Form 1348, and sends it to the supply activity responsible for the supply support of your ship or station.

## **DIRECTIVES ISSUANCE SYSTEM**

The Department of the Navy Directives Issuance System provides a standard method of issuing directives by all activities in the Navy. As set forth in SECNAV-INST 5215.1C, the system contains the following two parts and two tables:

Part I—Definition, Criteria, and Responsibility

Part II—Preparation and Maintenance of Directives

Table I—Preparation of Letter-Type Directives

Table II—Preparation of Special-Type Directives

The Directives Issuance System contains the standard procedures and formats used to issue policy, procedural, and informational releases in the Department of the Navy.

In general, a document is issued in the Directives Issuance System when it does one or more of the following:

- Regulates or is essential to effective administration
- Establishes policy
- Delegates authority or assigns responsibility
- Assigns an organizational structure
- Assigns a mission, function, or task
- Initiates or governs a course of action or conduct

- Establishes a procedure, technique, standard, guide, or method of performing a duty, function, or an operation
- Establishes a reporting requirement
- Changes, supersedes, or cancels another directive

With certain exceptions, issuances not falling within the scope of the previous criteria nevertheless may be issued in the Directives Issuance System to obtain quick and controlled dissemination. Normally issued as notices, these may include the following:

- Requests for comments, approval, or information
- Directions for routinely carrying out established operations, such as matters about individual personnel actions or special shipments of material
- Informative announcements, such as education or promotion opportunities, recreational activities, work improvement plans, suggestions for morale building, or changes in office locations or telephone extensions

There are two types of exceptions—required and optional. Required exceptions are Navy regulations, Top Secret documents, and registered publications. Optional exceptions are operation plans and orders, technical and regulatory manuals and publications, and changes to them.

A directive prescribes or establishes policy, organization, conduct, methods, or procedures; requires action or states information essential to the effective administration or operation of activities concerned; or contains authority or information that must be issued formally.

The types of directives used in the Directives Issuance System include instructions, notices, and change transmittals.

### **Instructions**

An instruction is a directive that contains authority or information having continuing reference value, or requiring continuing action. It remains in effect for 7 years or until superseded or otherwise canceled, whichever occurs first, by the originator or higher authority.

### **Notices**

A notice is a directive of a one-time nature or one that contains information or action for a brief time only.

A notice usually remains in effect for less than 6 months, but is not permitted to remain in effect for longer than a year. A notice has a self-canceling provision. The cancellation date is always stated. When the exact length of time a notice is to remain in effect cannot be determined at the time of issuance, the specific date for record purposes is set far enough in the future to allow all necessary uses of the notice. Reports and procedures covered in a notice are considered canceled when the notice is canceled, unless requirements have been issued in another document. Cancellation determinations are shown at the top right corner and/or as a last paragraph titled Cancellation Contingency.

## **Change Transmittal**

A change transmittal is the medium used to transmit changes to an instruction, and under special circumstances, to a notice. Each transmittal describes the nature of the change it transmits and gives directions for making the change.

## **Drafting Instructions and Notices**

When drafting instructions and notices use the same rules and procedures that you would if you were drafting any type of correspondence. Instructions and notices must be clear, concise, and easily understood. Clarity of language as well as neatness in appearance of the instruction or notice will promote increased understanding by recipients and greater efficiency within your organization.

The elements of a directive, both as to content and format, generally in the order that they appear in a directive, are contained in table 1, Preparation of Letter-Type Directives, and table 2, Preparation of Special-Type Directives, of SECNAVINST 5215.1C. The Navy *Correspondence Manual*, SECNAVINST 5216.5C, provides additional guidance on the preparation of directives.

## **FILING DIRECTIVES**

Instructions normally should be filed according to (1) subject identification number, (2) consecutive number, and (3) issuing authority. Checklists of directives issued by Washington headquarters organizations should be organized in this manner. If local conditions require, however, directives may be filed primarily by issuing authority or by a combination of subject identification number and issuing authority. You should

disregard alphabetic prefixes (C and S showing security classification) to the subject designation in determining the numerical filing sequence.

Because of their brief duration, you need not file notices in the master file. If it is necessary to interfile them with instructions temporarily, the notices should be tabbed so each may be easily and promptly removed as soon as its cancellation date is reached. Copies may be filed in separate binders when necessary.

File cross-reference sheets for instructions permanently or temporarily removed from your office with these instructions. Insert locator sheets in normal sequence in place of the removed instructions they reference. You should place a subject cross-reference sheet in front of those instructions that carry the same subject identification number. A second copy of the cross-reference sheet should be placed in a suspense file for temporarily loaned instructions. An instruction should be returned within 5 days, unless the borrower is still using it.

When you need copies of directives to complete a record or to support or further document a specific action, you may file them on your office's general subject files, pertinent case files, or other appropriate correspondence files.

## **FILES**

As an LN, you must be able to file correspondence correctly and retrieve it quickly. The amount of time it takes you to locate a certain piece of correspondence depends on how well you know the Navy's filing system.

This section introduces you to the Navy way of filing. You are introduced to various procedures that will help you to perform your duties efficiently. You are also instructed in using the numerical subject identification coding system that was addressed previously and contained in the *Department of the Navy Standard Subject Identification Codes (SSIC)*, SECNAVINST 5210.11D.

The SSIC contains the numerical codes that provide the basic classification structure for identifying and filing records. These codes cover most subjects found in general correspondence and other files. Since these numbers are used for numbering other naval documents such as reports, forms, and directives by subject category, they also provide the basis for a single Navywide subject numbering system.

There are 14 major numerical subject groups, each having a thousand possible topics:

- 1000 series - Military Personnel
- 2000 series - Telecommunications
- 3000 series - Operations and Readiness
- 4000 series - Logistics
- 5000 series - General Administration and Management
- 6000 series - Medicine and Dentistry
- 7000 series - Financial Management
- 8000 series - Ordnance Material
- 9000 series - Ship's Design and Material
- 10000 series - General Material
- 11000 series - Facilities and Activities Ashore
- 12000 series - Civilian Personnel
- 13000 series - Aeronautical and Astronautical Material
- 14000 series - Coast Guard Mission

Within the major groups are subdivisions using the second, third, and, sometimes, fourth digit; for example:

- 5000 - General Administration and Management
- 5800 - Laws and Legal Matters
- 5810 - Military Justice
- 5812 - Commanding Officer's Nonjudicial Punishment.

## **MAINTENANCE**

File material loosely in folders unless you need fasteners to hold pages in a particular order. Use prong fasteners rather than staples, clips, or rubber bands to hold material.

## **DISPOSAL**

The *Navy and Marine Corps Records Disposition Manual*, SECNAVINST 5212.5C, prescribes policy and procedures for the Department of the Navy's Records Disposition Program relating to records creation, maintenance, and disposition. Files as well as records are disposed of according to the requirements of SECNAVINST 5212.5C. This issue will be further addressed later in this chapter under Records Disposal.

## **REPORTS CONTROL SYSTEM**

Whether you are assigned to an NLSO or a small SJA office, you will find that your office is responsible for preparing and submitting several different types of reports. Knowing what these reports are, how to prepare them, and when and to whom they are to be sent is important to the efficient operation of both your office and the offices that receive these reports. To help commands effectively control the preparation and submission of required reports, the Navy has designed a reports control management system. When working with the reports control system, you should become familiar with the tickler system, the preparation of the reports, and the procedures for filing these reports. The following hints are provided to help you establish and maintain the reports control system for your office.

### **ESTABLISHMENT OF A REPORTS CONTROL SYSTEM AND TICKLER FILE**

To determine which reports your activity submits and, therefore, needs to be included in your tickler file, it is necessary to check the current 5214 instructions issued by commands senior to yours in the chain of command as well as the *JAG Manual* which is the primary source of required reports within the JAG community. Once you know what reports are required, you must establish a system that gives you a master list of all reports and a means to make sure they are submitted in a timely manner. This is done by using a Recurring Reports Record Card, NAVSO 5213/7, for each report. All the completed cards together make up the tickler system.

### **MAINTENANCE OF A REPORTS CONTROL SYSTEM AND TICKLER FILE**

What reports have to be prepared and sent out by my office? When do they have to be sent out? Who are they sent to? These are questions that can be easily answered if you have an effective tickler system being used in your office. A tickler system consists of either a list of reports or a card file listing all the reports required for your office. It is suggested that you use either 5-inch by 8-inch cards or reports control record cards. On each card the following information should appear:

- The frequency of the report; for example, annual, semiannual, quarterly
- Title of the person/departmcnt responsible for preparing the report

- Title of report and/or report symbol; for example, Legal Assistance Report, NAVJAG 5801.3
- Reference requiring the report; for example, JAGMAN, chapter 1, section 0102

File the tickler cards together in the tickler file by the frequency; for example, monthly or quarterly, of the report they reference and in chronological order by the date the report should be prepared. Another thing to remember when working with the tickler system is that you should continually check the references listed on each card to make sure the reporting requirements are current.

## PREPARATION OF REPORTS

When tasked with preparing a report, you should check the tickler card to determine when the report is due, who it goes to, and what format you should use in preparing the report. You also should check the reference that requires the report and follow the procedures outlined in that reference for the proper preparation of the report.

## FILING REPORTS

When you complete the preparation of a report, file a copy in your office's general files. The size of the office you are working in will determine whether you will file the copy of the report in a separate report file by its frequency of submission; for example, annual reports, semiannual reports, or in the general files by its subject classification code. When practical, a reports control case file should be maintained for each type of report and should contain the following information about the report:

- A copy of the directive authorizing the report
- Instructions for the preparation and submission of the report
- A sample copy of the report
- Any correspondence or other matter about the report

Whenever possible, file reports separate from the general files to provide for easier reference.

## RECORDS DISPOSAL

How important are records in your files? Important enough that Congress has passed laws governing their disposition and fixing penalties for their unauthorized

destruction. These laws apply to all official government records, not only to those that are classified.

Though sometimes monotonous, all tasks connected with files, including their disposition when no longer needed, must be taken seriously.

Decisions whether or not to save files cannot be avoided by simply saving everything. Sooner or later filing cases fill up and something has to be done. No matter how firmly you believe that if you get rid of it today, somebody will want it tomorrow, you cannot go on collecting forever. On the other hand, the "if in doubt, throw it out" school of thought, if allowed to operate unchecked, goes to the opposite extreme.

You may be called upon to help determine the proper disposition of files and records maintained in your office. In doing this, you will have to know what files and records are maintained in your office, how long they should be kept, and what should be done with these files and records after they have served their usefulness to your office. The specific procedures are outlined in the *Navy and Marine Corps Records Disposition Manual*, SECNAVINST 5212.5C. You should also become familiar with any additional procedures that may be required by other directives for the proper disposition of specific files and records that maybe maintained by your office; for example, court-martial records, legal assistance case files, and claims files.

## JAGMIS

JAGMIS provides the Commander, Naval Legal Service Command (NLSC) with monthly workload data summaries for purposes of current trend identification, resource allocation verification, long-range planning, and determination of responsiveness of the Navy's legal service requirements. JAGMIS was initially developed as a tool for tracking court-martial processing to ensure the speedy trial and review of cases. It has been expanded to assist management review and analyses of NLSC functions.

While case-by-case data entry in JAGMIS is not required, so long as monthly JAGMIS reports contain the data specified in the automated JAGMIS format, it is strongly encouraged as an informational tool for all levels of command and supervision, particularly in the military justice area.

All NLSC activities, except the Naval Justice School, must prepare and submit each month a productivity report in the format required by the *Naval Legal Service Command Productivity Report*,

NAVLEGSVCCOMINST 5800.3A. The report is sent to Code 63 to arrive not later than the 15th day of the following month.

## **SECURITY**

As an LN, you will be required to work with classified information; however, your involvement with it will be minimal. There may be court-martial trials and investigations in which classified information is involved and possibly admitted in evidence as exhibits. There will also be incoming and outgoing routine classified documents that are necessary to the conduct of official business. You should become familiar with the procedures that have been established by your office and command for the proper security of your office space. Even though most of the files, records, and documents you will be required to work with are not classified, many of them contain sensitive information and care should be taken to make sure these materials are properly safeguarded.

Remember, as an LN you are considered to be working in a position of high trust and confidence. The unauthorized disclosure of sensitive and/or confidential information about a legal assistance client, investigation, or court-martial can be detrimental to the client, the investigation or court-martial, and to the reliability of your office. Communications between an attorney and client are privileged to anyone unless the client consents to the disclosure. When you are working for an attorney, you are also bound by this privilege. Specific procedures for the safeguarding of such materials as evidence, records of trial and investigations, and legal assistance files are discussed in those chapters that pertain to these topics.

In addition to those procedures for properly maintaining the security of your office, you may occasionally have to handle classified material. These occasions will normally occur only when you are working with an investigation or a trial in which classified information may be involved, either in testimony or as documentary evidence. Familiarize yourself with the *Department of the Navy Information and Personnel Security Program Regulation*, SECNAVINST 5510.1H, if you are required to handle classified material.

## **PURPOSE**

Basic to a security education program is the appreciation that there is a need for protecting classified information from hostile threats. The purpose of the Information and Personnel Security Program is to

protect against the dissemination of information that is essential to national security. In an open society, such as that of the United States, disclosure outside authorized channels is tantamount to disclosure to a hostile intelligence service.

The purpose of the security education program is to make sure all personnel understand the need to protect classified information and know how to safeguard it. The goal is to develop fundamental habits of security to the point that proper discretion is automatically exercised in the discharge of duties and that the security of classified information becomes a natural element of every task.

## **RESPONSIBILITY, MAINTENANCE, AND SAFEGUARDING**

The Chief of Naval Operations (OP-09N) is responsible for policy guidance, education requirements, and source support for the security education program. Commanding officers, through their security managers, are responsible for security education in their command and for making sure it is afforded a significant share of the time dedicated to command security training.

Classified information or material will be used only when there are proper facilities or under conditions adequate to prevent unauthorized persons from gaining access to it. To the extent possible, classified holdings will be consolidated to limit the areas where it will be used. Anyone who has possession of classified material is responsible for safeguarding it at all times and particularly for locking classified material in appropriate security containers whenever it is not in use or under direct supervision of authorized persons. The custodian must follow procedures that will guarantee unauthorized persons do not gain access to classified information by sight or sound or other means. Classified information will not be discussed with or in the presence of unauthorized persons. During working hours, the following precautions will be taken to prevent access to classified information for unauthorized persons:

- When classified documents are removed from storage for working purposes, they will be kept under constant surveillance and facedown or covered when not in use. Cover sheets are Standard Forms 703, 704, and 705 for, respectively, Top Secret, Secret, and Confidential documents.
- Classified information will be discussed only when an unauthorized persons cannot overhear the discussion. Particular care should be taken when there are

visitors or workmen present. Escorts should alert fellow workers when visitors or workmen are in the area.

Preliminary drafts, carbon sheets, plates, stencils, stenographic notes, work sheets, and all similar items containing classified information will be protected either by destroying them by a method approved for destroying classified material immediately after they have served their purposes or by giving them the same classification and safeguarding them in the same manner as the classified material they provided.

Typewriter ribbons used in typing classified material will be protected the same as the highest level of classification for which they have been used. They will be destroyed as classified waste.

## **DESTRUCTION OF CLASSIFIED MATERIAL**

Classified record material may be destroyed only when destruction is the disposition authorized by SECNAVINST 5212.5C. All other classified material will be destroyed as soon as it is no longer required and will not be retained for more than 5 years from the date of origin unless authorized by SECNAVINST 5212.5C.

Classified material will be destroyed only by authorized means by personnel cleared to the level of the material being destroyed. Classified material awaiting destruction will be afforded the protection of the information it contains. Burn bags will be safeguarded at the level of the highest classification they contain until they are completely destroyed.

The destruction of Top Secret and Secret material will be recorded. Destruction may be recorded on OP-NAV Form 5511/12, Classified Material Destruction, or on any other record that includes complete identification of the material, number of copies destroyed, and the date of destruction. Two officials are responsible for the destruction of Top Secret and Secret material and they are required to sign the record of destruction. Records of destruction are maintained for 2 years. The fact that an originator may state in a document that it may be destroyed without report does not change the requirement to record destruction. It only means that the originator does not have to be notified that the document was destroyed. Confidential material and classified waste are destroyed by authorized means by appropriately cleared personnel but do not require a record of destruction.

The methods used to destroy classified material must prevent later recognition or reconstruction.

Burning has been the traditional method for destroying classified material because destruction is complete and disposition of the remaining ash is relatively simple. The remaining ash needs only to be stirred to make sure destruction is complete and reconstruction is impossible.

Shredding machines are relatively quiet and require little skill to operate. Shredders vary in their degree of effectiveness, depending on the mechanical condition of the equipment. A strip shredding machine must cut the material to be destroyed into strips no greater than 1/32 inch in width. A crosscut shredding machine must reduce the material to shreds no greater than 3/64 inch wide by 1/2 inch long. Ordinarily, shredding suffices as complete destruction of classified material and the residue may be handled as unclassified waste.

## **REQUESTS FOR RELEASE OF GOVERNMENT INFORMATION**

This section addresses the three principal types of requests for information or records likely to be received by naval activities and the procedures to follow upon receipt of a request. It does not apply to routine naval correspondence or to congressional inquiries. Commands receiving a request for records or information from members of the public should examine the request and determine if it cites or implicates the Freedom of Information Act (FOIA), the Privacy Act, or related naval or DOD regulations. Records of information may also be requested for litigation purposes—often to bring suit against the Navy. We will now take a look at these different types of requests in greater detail.

## **FREEDOM OF INFORMATION ACT**

The Freedom of Information Act, 5 U.S.C. § 552, generally provides that all persons, including citizens and residents of other countries, have a right of access to federal agency records, unless such records are exempt from disclosure. The *Department of the Navy Freedom of Information Act (FOIA) Program*, SECNAVINST 5720.42E, addresses FOIA exemptions, time limits for responses, formal and informal extensions of time limits, appeal procedures, fee schedules, and includes sample format responses to respond to FOIA requests. SECNAVINST 5720.45, *Indexing, Public Inspection, and Federal Register Publication of Department of the Navy Directives and Other Documents Affecting the Public*, directs that the public be provided, to the maximum extent possible, information on the organization and functions of the Navy and the

policies and procedures by which those functions are performed in relation to the public.

The FOIA requires publication in the *Federal Register* of information that affects the public; for example, descriptions of agency organization, functions, procedures, substantive rules, and statements of general policy. Additionally, materials such as opinions rendered in the adjudication of cases, specific policy statements, and certain administrative staff manuals must be made available for public inspection. All other Navy records—those not required to be published in the *Federal Register* or made available for public opinion—are subject to disclosure upon receipt of a proper request for access, unless exempt.

An agency record includes all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristic, made or received by an agency of the United States Government under federal law or in connection with the transaction of agency business and in the agency's control at the time the FOIA request is made. An agency record does not include the following items:

- Objects or articles such as structures, parts from wrecked aircraft and ships, furniture, paintings, sculpture, three-dimensional models, and vehicles and equipment.
- Anything that is not a tangible record such as an individual's memory or oral communications.
- Computer software, if not created or used as primary sources of information about organizations, policies, functions, decisions, or procedures of the agency.
- Personal records not subject to Navy creation or retention requirements, created or maintained primarily for a Navy employee's personal convenience, and not distributed to other agency employees for their official use. For example, a supervisor's personal notes on an employee's performance, not required to be maintained and used solely as a memory aid in preparing evaluations and then destroyed, are not an agency record.

### Minimum Requirements

The minimum requirements for an FOIA request are the request (1) cites or implicates the FOIA, (2) contains a reasonable description of the information or records requested, and (3) contains a clear statement of the requester's willingness to pay fees, a willingness to

pay fees up to a stated amount, or a request for a fee waiver. If the FOIA request does not meet these requirements, the naval activity should answer the inquiry, within 10 working days, to inform the requester of the contents of a proper request.

### Identify the Records Requested

Commands must search their filing systems and existing retrieval systems if the description provided by the requester enables naval personnel to locate the records with reasonable effort.

The FOIA does not authorize "fishing expeditions," nor are commands required to respond to blanket requests for all documents. The naval activity will notify the requester if the description does not reasonably describe the records sought and provide guidance on the specificity required to begin a search.

If the requested record was originated by another activity, the receiving activity will not release or deny such records without consulting the other naval activity. The receiving activity will coordinate with that activity before referring the FOIA request and copies of the requested documents for direct response.

A naval activity does not have to create or compile a record. A record may be compiled if it is either a more useful response to the requester or a lesser burden to the naval activity than providing existing records, and the requester does not object.

### Requests Requiring Special Handling

Detailed instructions for records requiring special handling are in paragraph 62(4) of SECNAVINST 5720.42E. The most common requests requiring special handling are briefly outlined as follows:

- **Classified records**—If the existence or nonexistence of the requested information is classified, the naval activity will refuse to confirm or deny its existence or nonexistence. If the documents requested are classified by another agency, or if the head of the agency is not the classifying authority, the agency will refer the request and copies of the requested documents to the originating agency or classification authority.

- **Naval Criminal Investigative Service Command reports**—Requests should be sent to the Naval Criminal Investigative Service Command, Washington, DC 20374-5000, and the requester so notified.

- **JAG Manual** investigative reports—Requests should be referred to the Office of the Judge Advocate

General, 200 Stovall Street, Alexandria, Virginia 22332-2400, and the requester so notified.

- Mishap investigation reports—Requests should be sent to Commander, Naval Safety Center, Naval Air Station, Norfolk, Virginia 23511-5796, and the requester so notified.

Misdirected/misaddressed requests will be promptly readdressed and sent to the cognizant or originating activity for action and the requester so notified.

### **Time Limits**

The responsible naval activity has 10 working days from receipt to respond to an FOIA request, excluding weekends and holidays. If the naval activity cannot respond within 10 days, it may inform the requester of the reasons for the delay, that the delay may be treated as an initial denial of the request, and the requester will be informed of the appeal rights. This is considered a formal extension of time. The activity also may negotiate an informal extension of time with the requester that is mutually agreeable.

### **Exemptions**

A naval record maybe withheld from disclosure if exempt. For additional guidance on exemptions, refer to SECNAVINST 5720.42E.

### **Public Interest**

The public interest to be considered under the FOIA is the public's interest in obtaining official information that sheds light on the agency's performance of its statutory duties. In the typical case in which one private citizen is seeking information about another, the requester does not intend to discover anything about the conduct of the agency that has possession of the records, and a response to the request would not shed any light on the conduct of the government agency or official. In such a case where no FOIA-type public interest exists, release of any private information about an individual would constitute a clearly unwarranted invasion of personal privacy. In evaluating the public interest apparent in release of the requested records, neither the identity of the requester nor the purpose for desiring the request is relevant.

### **Privacy Interest**

A privacy interest may exist in personal information even though the information has been made

available to the general public at some place and time. If personal information is not freely available from sources other than the federal government, the person to whom that information pertains has a privacy interest in its nondisclosure. Often, the very fact that the federal government expended funds to prepare, index, and maintain records containing personal information and the fact the requester invokes the FOIA to obtain the private information indicates that the information is not freely available.

### **Mailing Lists**

Most naval activities receive FOIA requests for mailing lists—names and home addresses or names and duty addresses. Requests for mailing lists of names and home addresses should be denied as a clearly unwarranted invasion of personal privacy. An FOIA request for a list of names and duty addresses of members attached to units that are stationed in foreign territories, routinely deployable, or sensitive must be denied as a clearly unwarranted invasion of personal privacy. Disclosure is a security threat to those members because it reveals information about their involvement in military actions, the type of naval unit, and their presence or absence from their households. Release aids the targeting of members and their families by terrorists and other persons opposed to the national policy. Lists of names and duty addresses, not covered by the previous policy, are not exempt.

### **Nonjudicial Punishment Results**

Information on nonjudicial punishment will not normally be released under the FOIA. The privacy interest of the member must be balanced against the public interest of the information. Disclosure should be made when the events leading to the nonjudicial punishment are particularly newsworthy or the case involves a senior official abusing the public trust through office-related misconduct such as embezzlement, fraud, or misuse of government property.

### **PRIVACY ACT**

The Privacy Act, 5 U.S.C. § 552a, applies to documents and records in a system of records maintained by an agency from which information is retrieved by the person's name or other personal identifier such as a social security number. The Privacy Act balances the government's need to maintain information about

individuals against the right of individuals to be protected from unwarranted invasions of their privacy by government collection, maintenance, use, and disclosure of personal information, SECNAVINST 5211.5C contains DON policy guidance on the Privacy Act and prescribes procedures for notifying individuals of a system of records pertaining to them, granting access to the subject of the records, reviewing request to amend records, disclosing personal information to third parties, and safeguarding personal information.

Naval activities may not maintain records retrievable by name or personal identifier unless a system notice has been published in the *Federal Register*. Maintaining an unpublished system of records is a criminal violation. Information in a Privacy Act system of records may not be disclosed to the public unless (1) the subject of the record consents, (2) the disclosure is pursuant to a routine use, released under an exemption for an official use, or (3) by order of a court of competent jurisdiction.

## **Responsibilities**

For request for access or amendment to records, the system manager must establish and make available upon request rules on requests for access or amendments that conform to paragraph 6 and enclosures (4) and (5) of SECNAVINST 5211.5C. The official with custody of the record may grant access to the requested record even if he or she is not the system manager. Only officials designated as denial authorities in paragraph 4c of SECNAVINST 5211.5C may deny a request for access. Blanket requests for notification and/or access to all systems of records within the Navy are not honored.

## **Procedures**

The requesting individual should request the records in writing, providing the name of the system of records, full name, social security number, and a signed release, if necessary. The system manager or other responsible official will verify the identity of the requesting individual, such as by employee or military identification card or driver's license, as a subject of the record. If a written request, identity may be verified by the requester providing minimum identifying data such as date of birth. If the information is sensitive, a signed and notarized statement of identity may be required. The system manager will grant access to the requested record unless exempt. If necessary, the system manager

or other custodial official will inform the requester of any additional information that is needed. The system manager may deny a request for notification, access, or amendment only if there is a significant and legitimate governmental interest.

A request for notification, access, or amendment will be acted on in 10 working days, or a response to the requester will indicate when the request will be acted upon. Action should be completed within 30 days of receipt by the cognizant office.

If access should be granted, the system manager or other custodial official will inform the requester in writing and (1) inform the requester where and when the records may be viewed, that a person may accompany the requester, and a copy of the record may be provided upon agreement to pay duplication fees or (2) furnish a copy of the record, if the requester asked for a copy of the record and agreed to pay duplication fees, unless fees were waived. If the system manager or other custodial official determines the request should be denied, in whole or in part, that officer will send the request to the cognizant denial authority with a copy of the requested record and recommendations as to the denial.

## **Disclosure to Others**

Generally, records in a system of records may not be disclosed except pursuant to a written request of the subject of the record or with the prior written consent of the subject of the record.

Disclosure may be made to other DON or DOD personnel who need the records in the performance of their duties, if compatible with the purpose for which the information is maintained.

Disclosure may be made upon written assurance that the record will be used solely as statistical research or a reporting record, and the record is not individually identifiable.

Disclosure may be made to another agency or instrumentality of any governmental jurisdiction, controlled by the United States, for a civil or criminal law enforcement activity if (1) the activity is authorized by law and (2) the head of the agency or instrumentality made a written request to the head of the agency maintaining the record, specifying the record desired and the law enforcement purpose.

Disclosure may be made to either House of Congress, or to any committee or subcommittee of Congress

to the extent the matter is within its jurisdiction. Disclosure is not authorized to an individual Member of Congress acting on his or her own behalf or on behalf of a constituent.

Disclosure may be made in response to an order of a court of competent jurisdiction signed by a judge.

### **Collection of Information**

Personal information is information private or intimate to the individual and not related solely to official functions. It ordinarily does not include information such as time, place, and manner of, or reasons and authority for, an individual's act or omission directly related to official duties. Personal information will be collected to the maximum extent possible from the individual, except when (1) there is a need to make sure of the accuracy of the information supplied by verifying the information through a third party, (2) information can only be obtained through a third party, and (3) obtaining information directly from the individual would involve exceptional difficulties or unreasonable costs.

A Privacy Act statement must be provided when individuals supply personal information about themselves. The individual need not sign the Privacy Act statement. The Privacy Act statement must include the following:

- Authority for the solicitation (statute or executive order)
- Brief summary of routine uses for the information, as published in the *Federal Register*
- Purpose for which the information is used
- Whether disclosure is mandatory or voluntary and effects of nondisclosure

A Privacy Act statement must be provided when requesting a social security number. A social security number may be requested even if not required by federal statute, if the individual is informed that disclosure is voluntary.

### **LITIGATION PURPOSES**

Official documents and information should be made reasonably available for use in federal courts, state courts, foreign courts, and other governmental proceedings unless the information is classified, privileged, or otherwise protected from public disclosure.

Requests for documents, testimony, depositions, or interviews of witnesses in connection with litigation will be processed under SECNAVINST 5820.8A.

### **Relationship With FOIA and Privacy Act**

If an FOIA or a Privacy Act request pertains to litigation to which the United States is a present or potential party, the release authority should notify the Judge Advocate General or the General Counsel, as appropriate. Requests for Privacy Act records must be accompanied by a written release from the subject of the record, a court order, or a subpoena signed by a judge of a court of competent jurisdiction.

### **Responsibilities**

Requests for official information and records will be processed according to SECNAVINST 5820.8A. Generally, the responsibility to act as the determining authority has been delegated to GCM convening authorities and those commands and activities with an SJA assigned. If compliance is inappropriate for any reason, such as the records contain classified or privileged information, send the court order or subpoena to the Judge Advocate General or Associate General Counsel (Litigation) and notify the parties of this action.

If the United States is not and is not reasonably anticipated to become a party to the proceedings, the production in federal or state courts of evidentiary material from *JAG Manual* investigations, and the service, employment, pay, or medical records of dependent or members of the naval service is authorized upon receipt of a request complying with SECNAVINST 5820.8A, accompanied by a subpoena, court order, or other request signed by the judge of a court of competent jurisdiction. The specific authority of the Judge Advocate General is not required.

### **Production of Official Records Without a Court Order**

Send any requests for release outside of the DON to JAG when the requests are for one of the following official records:

- *JAG Manual* investigations
- Court-martial records
- Article 69 and 73, UCMJ, petitions

- Article 138 and 1106 complaints of wrongs

Affirmative claims files, except for copies of reports or *JAG Manual* investigations containing classified or privileged information, may be released by local holders to insurance companies to support claims; to civilian attorneys representing the injured parties and the government's interests; and to other components of the DOD, without the prior approval of JAG, if the amount of the claim is within the settlement authority of the releaser.

## SUMMARY

This chapter has given you some insight into how to prepare the various forms of correspondence that you may be required to use. You will become better at drafting letters, messages, memorandums, endorsements, and so forth, as you gain experience. However, it is always wise to study and have readily available copies of the *Department of the Navy Correspondence Manual* and NTP-3. Remember, when in doubt, go to the manuals.